

RES14-041

Wilmington, Delaware
August 21, 2014

#3971

Sponsor:

Council
Member
M. Brown

WHEREAS, on April 9, 2014, the Court of Common Pleas for the State of Delaware (the "Court") issued an Order directing that \$33,311.00 obtained through a seizure be forfeited to the Wilmington Police Department ("WPD") and the United States Department of Agriculture; and

WHEREAS, the WPD's share of the seizure funds, or \$16,655.50, is arguably considered a "special fund" for purposes of the annual operating budget; and

WHEREAS, Section 2-300(a)(7) of the City Charter, relating to the annual budget ordinance, requires that all "special funds" be approved by Council resolution prior to being appropriated or spent; and

WHEREAS, the WPD seeks to comply with the Court order; and

WHEREAS, out of an abundance of caution, because it is not clear that the seized funds would qualify as "special funds" for purposes of the annual budget, the WPD seeks approval by way of this resolution; and

WHEREAS, the Council deems it necessary and proper to authorize the WPD to comply with the Court order and accept the seized funds in the amount of \$16,655.50.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the WPD is hereby authorized to receive and spend the seized funds, in the amount of \$16,655.50, which was ordered by the Court to be forfeited to the WPD.

Passed by City Council,
August 21, 2014

ATTEST: Maribel Seijo
City Clerk

Approved as to form this 20th
day of August, 2014

Sanyas Bhattacharya
Assistant City Solicitor

SYNOPSIS: This Resolution authorizes the Wilmington Police Department to receive and spend \$16,655.50 obtained through a seizure and directed by a Court order to be forfeited to the Wilmington Police Department.